(29)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Miscellaneous Appeal No. 1043/2003

Appellants Claimants	1.	Bifaiya W/o Prasad, Caste-Kanwar, aged about 60 years, Occupation House wife.
	2.	Kripa, S/o Prasad, Caste Kanwar, aged about 40 years, Occupation Agriculture.
	3.	Suraj, S/o Prasad, Caste-Kanwar, aged about 38 years, Occupation Agriculture. (All are R/o Village Katinda, P.S. & Tahsil Pratappur, Distt. Surguja (C.G.)
	Versus	
Respondents/Non-applicants	1.	Munna Singh, S/o Shreeram, Caste Rajput, aged about 30 years, Occupation-Driver, R/o Village – Phunolee, P.S. Bhajanpur, Distt. Allahabad (U.P.) (Driver)
	2.	Surajdee, S/o Sharda Prasad Yadav, aged about 35 years, Occupation – Business, R/o Rampur Chawraha, P.S. Karchhaia, Distt. Allahabad (U.P.) (Owner)
	3.	The Oriental Insurance Company Ltd. Through Branch Manager, the Oriental Insurance Company Ltd. Branch Office – Sadar Road, near State Bank of India, Ambikapur, Distt. Surguja (C.G.) (Insurer)

Appeal U/S 173 of Motor Vehicles Act, 1988

Present :
Shri Ashok Kumar Shukla, counsel for the appellants.
Shri Abhishek Sinha, counsel for the respondent No. 3/Insurance Company.

(29)

ORAL ORDER
(Passed on 03-08-2007)

Being aggrieved by the impugned award dated 27-09-2003 passed by the IInd Additional Motor Accidents Claims Tribunal (F.T.C.) Surajpur, District Surguja (henceforth "the M.A.C.T.) in claim case No.15/2002 whereby the application under Section 166 of the Motor Vehicles Act was rejected, the appellants have preferred this appeal.

(2) Shri Ashok Kumar Shukla, learned counsel for the appellants conceded that the claimants had failed to establish that death of Prasad was not as a result of the accident and contended that in the above situation, the claimants were only entitled to the loss of estate of Rs. 5000/- as deposed by the claimants.

(3) During the course of arguments, a settlement was arrived at between the parties whereunder the respondent/insurer agreed to pay a sum of Rs.5000/- to the appellants as compensation towards loss of estate by depositing the same within a period of two months from today.

(4) Learned counsel for the appellants fully agreed with the settlement.

(5) In view of the settlement arrived at between the parties, the award passed by the learned M.A.C.T. is set aside. A sum of Rs. 5000/- is awarded to the appellants/claimants which shall be deposited within a period of one month from today.

(6) With the aforesaid direction, the miscellaneous appeal stands disposed of. A copy of this order be sent to the M.A.C.T. forthwith.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Kvr